

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTOPHER J. POTTER,

Plaintiff,

v.

DEBBIE ECHELE,

Defendant.

No. 4:19-CV-2234 JAR

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for entry of default. After review of the record, the Court will deny plaintiff's motion.


Plaintiff Christopher Potter, an inmate currently incarcerated at South Central Correctional Center, brought this action pursuant to 42 U.S.C. § 1983 on July 26, 2019. Because plaintiff was proceeding in forma pauperis pursuant to 28 U.S.C. § 1915, the Court reviewed plaintiff's complaint for frivolousness, maliciousness and for failure to state a claim on March 23, 2020 and ordered process on plaintiff's claims for First Amendment retaliation against defendant Echele in her individual capacity. Plaintiff's remaining claims against Echele were dismissed.

Pursuant to 28 U.S.C. § 1915, the Court was responsible for service of process on plaintiff's complaint, which is accomplished by the U.S. Marshal's Office. When the Marshal's Office serves summons on defendant Echele it will file with the Court a return of summons. No such return of summons has yet been filed with the Court showing that Echele has been served by the Marshal's Office. Thus, Echele cannot be held in default. Plaintiff's motion for entry of default will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for entry of default [Doc. #11] is **DENIED**.

Dated this 14th day of May, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE